

BEDFORD CONSERVATION COMMISSION

Minutes of Meeting

October 14, 2015

Selectmen's Meeting Room

Town Hall, Bedford, MA

PRESENT: John Britton, Vice-Chair; Andreas Uthoff; Lori Eggert; Joseph Guardino
Steven Hagan arrived at 7:50 pm

Elizabeth Bagdonas, Conservation Administrator

ABSENT: John Willson; Allan Wirth

The meeting was called to order at 7:05 pm.

The Commission agreed to waive the reading of the disclosure statements.

Ms. Bagdonas announced that the Continuation of the Public Hearing for the South Road utility project, proposed by VHB on behalf of Eversource Energy and NStar, had been postponed at the request of the Applicant to the meeting of October 28, 2015.

Determination of Applicability: 20 Hemlock Lane – Haifei Ma and Hua Chang

The Commission agreed to waive the reading of the legal notice. Mr. Ma and Ms. Chang described their proposed project, the demolition and filling in of an in-ground pool in the back yard. Mr. Ma explained that they did not use the pool, and that snow in the previous winter had caused cracking. Ms. Bagdonas reported on the site visit, which included review of four soil piles that had been brought in, stating that three of them contained pieces of construction debris.

A discussion followed among the Commission members about the nature of gunite pool materials and the soil piles. Mr. Britton stated that gunite has steel rebar reinforcement which could not be disposed of on site. He added that concrete pieces used for backfill should not exceed 6 inches in size, and advised the Commission that the material would not be very deep into the ground, that gunite should be taken out, and that he had not heard of removing such a pool in any other way. Mr. Uthoff stated that if the pool was not lined, it was constructed of gunite; Mr. Britton stated that using such material as fill might create a liability.

Ms. Bagdonas stated that the area around the pool was all lawn; no trees would be removed, no work would take place within the 25-foot protected buffer, and no structures would be placed within the 50-foot buffer. Mr. Uthoff stated that he had no problem with the project if the gunite and steel were taken out. Mr. Britton commented that this would be difficult, but that contractors were not supposed to bury rebar.

Mr. Ma stated that the owners of property across the street had demolished a house and buried debris, which would also be a problem for future owners, as it was not deep. Both Mr. Britton and Mr. Uthoff thought there were building code regulations governing such projects. Ms. Bagdonas stated that she would ask the Code Enforcement Director for this information. Mr. Britton also raised the possible issues of electric and plumbing removal.

Regarding the soil piles, the Commission agreed that to be consistent with other types of projects, they must require information on the source. Mr. Uthoff stated that he had no objection to screening the material.

Discussion followed on the Determination of Applicability, which resulted in the formation of the following conditions:

1. The pool structure shall be removed properly in accordance with Building Code standards; all rebar, and other materials exceeding a 6" diameter size shall be removed from the site and disposed of properly in accordance with applicable regulations.
2. The owner and/or contractor shall provide the source of all fill, and the Commission shall determine if it is acceptable.
3. All fill presently on the site and determined by the Commission to be acceptable must be screened. The stone and soil pile should be used first, in the bottom of the pool area.
4. Debris from the screening must be removed from the site and disposed of properly in accordance with applicable regulations, with notification to the Commission.

A motion was made by Ms. Eggert and seconded by Mr. Guardino to close the hearing and issue a positive Determination for Reason 5 and a negative Determination for Reason 3, with the conditions as drafted above. The motion passed 4-0-0.

Certificate of Compliance: 285 Great Road

Susan Bernstein, Esq. and John Hession, P.E. were present on behalf of the Applicant/Owner, having submitted an As-built Plan and formal Request for a Certificate of Compliance. Ms. Bagdonas reported on a preview site visit made on the afternoon of October 14th. She asked if two minor changes could be made to the As-Built Plan, and stated that the major concern was that the planting plan proposed for restoration of the 25-foot protected buffer had not been completed. She also presented a draft set of continuing conditions, transferred from the Order of Conditions in an Excerpt format to be included with the Certificate of Compliance.

Mr. Hession did not think it was necessary to change the As-Built, which is intended to show what is on the ground now.

Mr. Uthoff made a motion to vote and sign the Certificate but hold it until the planting was completed; the motion was seconded by Mr. Guardino and passed 4-0-0.

Several changes to the continuing conditions were proposed by Ms. Bernstein and Mr. Hession; although the Commission agreed with them, the question arose as to how the original conditions of the Order could be changed. Ms. Bernstein and Mr. Hession suggested that the revisions could be added in the form of footnotes. The changes were intended to address the snow storage location, the labeling of the 25-foot protected buffer, and clarification of the planting required as restoration.

The wording of the footnotes was agreed upon. A motion was then made by Mr. Britton and seconded by Mr. Guardino to approve and sign the Certificate of Compliance, with the Excerpt pages as drafted, the agreed-upon footnotes, and the issuance arrangement. The motion passed 4-0-0.

Order of Resource Area Delineation (ORAD): 7 Robinson Drive

Ms. Bagdonas stated that the wetland boundary delineation, consisting of one wetland flag (OA-2), had been reviewed at a site visit and described at the public hearing of September 30, 2015. However, the ORAD was not voted on at that meeting because it had not been included on the agenda.

A motion was made by Mr. Uthoff to issue the ORAD, with the location of the wetland flag as discussed. The motion was seconded by Mr. Guardino, and passed 4-0-1, after which the ORAD was signed.

Bills Payable

Two bills payable forms were signed by the Commission for the 7 Alcott Street peer review.

Minutes

A motion was made by Ms. Eggert and seconded by Mr. Uthoff to approve the minutes of May 28, 2014; the motion passed 3-0-2, with Mr. Britton, Mr. Uthoff and Ms. Eggert constituting a majority of those present at that meeting.

A motion was made by Ms. Eggert and seconded by Mr. Britton to approve the minutes of September 9, 2015; the motion passed 4-0-1.

Beaver Control at Fawn Lake

Ms. Bagdonas summarized the current efforts to manage beaver impacts at the Fawn Lake Conservation Area.

Equestrian Use in Conservation Areas

Ms. Bagdonas reported on recent indications of interest in using conservation area trails for horseback riding. Mr. Uthoff reported on such use at the Altmann CA. The Commission agreed to put this subject on the next meeting agenda.

At 9:00 pm a motion was made by Mr. Uthoff and seconded by Ms. Eggert to adjourn the meeting; the motion passed 5-0-0.

Minutes prepared by Elizabeth Bagdonas.

Minutes approved at meeting of November 18, 2015.